

REMARKS/ARGUMENTS**Summary of the Office Action**

Claims 1-309 are pending in the application. Claims 1, 4-7, 17-24, 27-30, 36, 139-158, 270-273, and 283-286 stand rejected. Claims 2, 3, 8-16, 25, 26, 31-35, 37-138, 159-269, 274-282 and 287-309 are withdrawn from consideration.

Summary of the Amendments

Claims 2-3, 8-16, 25-26, 31-35, 37-138, 159-269, 274-282, and 287-309 have been canceled. Claims 1, 4-7, 139, 149, 152, and 155-158 are currently amended. Claims 17-24, 27-30, 36, 140-148, 150-154, 270-273, and 283-286 are in their original form. No new matter has been added.

Response to Improper Antecedent Objections

In response to the Examiner's objections, claims 1, 4, 149 and 152 have been amended to contain proper antecedent basis.

Response to § 102 Rejections

Claim 1 stands rejected under 35 USC §102(b) as allegedly being anticipated by Robinson et al, U.S. Patent No. 5,533,102 (Robinson).

Applicants respectfully traverse this rejection for the reasons set out below, and ask the Examiner for reconsideration.

To anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Robinson does not teach every element of claim 1. Claim 1, as amended, includes the limitation of wherein said call management computer includes means for identifying a call type for the incoming call. Applicants respectfully point out that this limitation does not constitute new matter as original claim 3 included the limitation of said call management computer includes means for identifying the type of call.

Robinson, on the other hand, discloses a system for providing information related to voice calls only. "The telephone 12 of the system 10 is connected to a private branch exchange (PBX) through a first communication channel that can carry the voice of a caller to the user" (Robinson, Column 4, lines 42-45). Figures 5-8 of Robinson depict flow charts showing options such as "caller willing to hold" and "inform caller that the called party is still busy," and, "Play greeting to caller" which clearly indicate that the invention in Robinson is indicated for use by voice callers. No paths in the flow charts, nor any portion of the description indicates that data and fax calls are handled by the invention in Robinson. Because the system disclosed in Robinson does not deal with multiple types of calls, such as data, fax, and voice calls, it also fails to disclose means for distinguishing between types of calls, as required by claim 1, wherein said call management computer includes means for identifying a call type for the incoming call.

Response to § 103 Rejections

Claims 4-7, 17, 18, 20-22, 139-144, 146, 156, 158, 270-273, and 283-286 stand rejected under 35 USC §103(a) in view of Brown et al, US Patent 5,335,105 (Brown) over Robinson. Claims 23 and 29 stand rejected under 35 USC §103(a) in view of Brown in further view of Underwood et al, US Patent No. 5,805,673 (Underwood) over Robinson. Claims 24 and 30 stand as rejected under 35 USC §103(a) as being unpatentable in view of Brown in further view of Klingman, US Patent No. 5,721,729 (Klingman) over Robinson. Claims 27 and 28 are rejected under 35 USC 103(a) as being unpatentable in view of Brown in further view of Godbole, US Patent No. 5,065,427 (Godbole) over Robinson. Claims 19 and 22 stand rejected under 35 USC 103(a) in view of Brown in further view of Marshall, US Patent No. 6,396,597 (Marshall) over Robinson. Claims 145 and 147-155 are rejected under 35 USC §103(a) in view of Brown in further view of Miner, US Patent No. 5,652,789 (Miner) over Robinson. Claim 157 is

rejected under 35 USC §103(a) in view of Brown in further view of Kondo, US Patent No. 5,490,205 (Kondo) over Robinson. Claim 36 is rejected under 35 USC 103(a) in view of Brown in further view of Monnot et al, US Patent No. 5,432,618 (Monnot) over Robinson.

Applicants respectfully traverse these rejections for the reasons set out below, and ask the Examiner for reconsideration.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Claims 4-7, 17-24, 27-30, 36, 139-158, 270-273, and 283-286 have been amended to depend from amended claim 1, which is believed to be allowable, and these claims are therefore likewise believed to be allowable. With the addition of the above-discussed limitation of claim 1 to the above listed claims, the prior art references do not teach or suggest all claim limitations when considered singularly or in combination.

In light of the above arguments, Applicants respectfully submit that the rejection under 35 U.S.C. § 103 has been overcome, and withdrawal of this rejection is therefore respectfully requested.

Conclusion


Having tendered the above remarks and amended the claims as indicated herein, Applicants respectfully submit that all rejections have been addressed and that the claims are now in a condition for allowance, which is earnestly solicited.

If there are any additional charges, please charge Deposit Account No. 02-2666.

Respectfully submitted,
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Dated:

09/04/03



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